



February 22, 2002

ENGROSSED SENATE BILL No. 100

DIGEST OF SB 100 (Updated February 19, 2002 1:36 PM - DI 87)

Citations Affected: IC 10-5; IC 16-33; noncode.

Synopsis: Soldiers' and Sailors' Children's Home. Eliminates the requirement that the superintendent of the home be an honorably discharged veteran. Establishes a preference for the appointment of an honorably discharged veteran when at least two candidates otherwise meet the requirements for appointment. Eliminates the admissions committee for the home and allows the superintendent to decide whether to admit a child to the home with the approval of the state health commissioner. Raises the maximum that the county may reimburse an interested person for the burial expenses of a veteran from \$125 to \$1000 and sets the minimum reimbursement amount at \$125.

Effective: Upon passage; July 1, 2002.

Jackman, Paul, Kenley

(HOUSE SPONSORS — KUZMAN, GIAQUINTA, CHERRY)

January 7, 2002, read first time and referred to Committee on Public Policy.

January 24, 2002, amended, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed.

January 29, 2002, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

February 21, 2002, amended, reported — Do Pass.

C
o
p
y

ES 100—LS 6289/DI 102+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 100

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-5-3-1, AS AMENDED BY P.L.16-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 1. (a) Whenever any person, male or female, who
4 has heretofore served, or who may hereafter serve, as a member of the
5 armed forces of the United States as a soldier, sailor, or marine in the
6 army, air force, or navy of the United States, or as a member of the
7 women's components thereof, resident of any county of this state, and
8 who, while a member of the armed forces and before discharge
9 therefrom, or, who after receiving an honorable discharge therefrom,
10 or the wife or widow, the husband or widower of any such member of
11 the armed forces of the United States, resident of any county of this
12 state, has died or shall hereafter die, upon a claim **for burial expenses**
13 being filed by an interested person with the board of commissioners of
14 the county of the residence of such deceased person, stating the fact of
15 such service, death, and discharge, if discharged from such service
16 prior to death, and that the body has been buried in a decent and
17 respectable manner, in a cemetery or burial ground, such board of

ES 100—LS 6289/DI 102+



C
o
p
y

commissioners shall hear and determine such claim, like other claims, filed for allowance by them, and if the facts averred are found to be true, as a tribute of respect due such member of the armed forces, shall make allowance of such claim in a sum ~~not exceeding one hundred dollars (\$100) for service rendered and material furnished in care of such body and where necessary an amount not to exceed twenty-five dollars (\$25) for a place of burial of such body.~~ **set by ordinance. The amount of the allowance must be at least one hundred twenty-five dollars (\$125) but not more than one thousand dollars (\$1,000).**

(b) Only one (1) claim **for burial expenses** shall be allowed for any decedent, who qualifies under this chapter, and the total sum of the claim filed and for which allowances shall be made ~~whether it be for service rendered and material furnished or service rendered, material furnished, and place for burial furnished shall not exceed one hundred dollars (\$100).~~ **However, should the federal government provide a marker for the grave of any such person, the board of commissioners shall make a further allowance of not more than one hundred dollars (\$100) for the setting of such marker. shall be set by ordinance. The amount of the allowance must be at least one hundred twenty-five dollars (\$125) but not more than one thousand dollars (\$1,000).** Any sum of money expended by any county under the provisions of this chapter shall be considered as a gift, and no persons for and on behalf of the state of Indiana or any of its political subdivisions shall be authorized to file a claim for a lump sum death benefit, with the federal social security administration claiming reimbursement for any sum of money so expended.

(c) Before a person who will set a grave marker provided by the federal government as described in subsection (b) enters into a contract to set the grave marker with a person who receives the grave marker from the federal government, or the person's representative, the person who will set the grave marker must disclose the following information to the person who receives the grave marker, or the person's representative:

(1) The price of the least expensive installation procedure that the person who will set the grave marker will charge for setting the grave marker and a description of the goods and services included in the procedure.

(2) The prices of any other installation procedures or options that may be performed or provided by the person who will set the grave marker and a description of the goods and services included in the procedures or options.

SECTION 2. IC 16-33-4-7 IS AMENDED TO READ AS

ES 100—LS 6289/DI 102+



C
o
p
y

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) Except as provided in subsection (b),** the superintendent of the home shall be appointed in the manner prescribed by law and must meet all of the following conditions:

~~(1)~~ **(1)** Have served in and been honorably discharged from the armed forces of the United States;

~~(2)~~ **(1)** Be a teacher licensed by the state or have at least a baccalaureate degree from an accredited college or university in a field related to education or child growth and development.

~~(3)~~ **(2)** Have experience working with children.

~~(4)~~ **(3)** At the time of appointment, be a resident and citizen of Indiana.

~~(5)~~ **(4)** Have other qualifications as required by the state health commissioner.

(b) When at least two (2) candidates meet the conditions listed in subsection (a), the state health commissioner shall give preference to individuals who have been honorably discharged after service in the armed forces of the United States in appointing a candidate to the position of superintendent of the home.

SECTION 3. IC 16-33-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After consideration of appropriateness of placement by an admissions committee that consists of:

~~(1)~~ **(1)** an adequate investigation as determined by the superintendent of the home or the superintendent's designee,

~~(2)~~ **(2)** the state health commissioner or the commissioner's designee; and

~~(3)~~ **(3)** the superintendent of the department of education or the superintendent's designee; and

~~(4)~~ **(4)** the secretary of family and social services or the secretary's designee;

including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

(1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.

(2) The child is at least three (3) years of age but less than



1 eighteen (18) years of age.

2 (3) The child is in need of residential care and education.

3 (c) If the applications of all children of members of the armed forces
4 have been considered and space is available, the superintendent of the
5 home may, ~~subject to this section, recommend for admission if a child~~
6 **meets the requirements under subsection (b), receive as residents**
7 **in the home** the:

8 (1) grandchildren;

9 (2) stepchildren;

10 (3) brothers;

11 (4) sisters;

12 (5) nephews; and

13 (6) nieces;

14 of members of the armed forces who are in need of residential care and
15 education.

16 (d) If the applications of all children eligible for residence under
17 subsections (a) through (c) have been considered and if space is
18 available, the superintendent ~~shall~~ **may** accept for residence children
19 referred:

20 (1) by the division of family and children established by
21 IC 12-13-1-1; or

22 (2) by the division of special education established by
23 IC 20-1-6-2.1;

24 subject to **an adequate investigation as determined by the**
25 **superintendent of the home or the superintendent's designee,**
26 **including a consideration of appropriateness of placement, by the**
27 **admissions committee under subsection (a); and the approval of the**
28 **state health commissioner or the commissioner's designee.**

29 SECTION 4. [EFFECTIVE JULY 1, 2002] IC 10-5-3-1, as
30 **amended by this act, applies to claims for burial expenses filed**
31 **after June 30, 2002.**

32 SECTION 5. **An emergency is declared for this act.**

C
O
P
Y



SENATE MOTION

Mr. President: I move that Senator Paul be added as second author of Senate Bill 100.

JACKMAN

SENATE MOTION

Mr. President: I move that Senator Kenley be added as coauthor of Senate Bill 100.

JACKMAN

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 100, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 16-33-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After consideration of appropriateness of placement by an admissions committee that consists of:

- (1) **an adequate investigation as determined by** the superintendent of the home or the superintendent's designee,
- (2) ~~the state health commissioner or the commissioner's designee;~~
- and
- (3) ~~the superintendent of the department of education or the superintendent's designee; and~~
- (4) ~~the secretary of family and social services or the secretary's designee;~~

including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

- (1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.
- (2) The child is at least three (3) years of age but less than eighteen (18) years of age.
- (3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, ~~subject to this section, recommend for admission if a child meets the requirements under subsection (b),~~ **receive as residents in the home** the:

- (1) grandchildren;
- (2) stepchildren;
- (3) brothers;
- (4) sisters;
- (5) nephews; and
- (6) nieces;

ES 100—LS 6289/DI 102+



C
o
p
y

of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent ~~shall~~ **may** accept for residence children referred:

(1) by the division of family and children established by IC 12-13-1-1; or

(2) by the division of special education established by IC 20-1-6-2.1;

subject to **an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, by the admissions committee under subsection (a), and the approval of the state health commissioner or the commissioner's designee."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 100 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 5, Nays 4.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred Senate Bill 100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-5-3-1, AS AMENDED BY P.L.16-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) Whenever any person, male or female, who has heretofore served, or who may hereafter serve, as a member of the armed forces of the United States as a soldier, sailor, or marine in the army, air force, or navy of the United States, or as a member of the women's components thereof, resident of any county of this state, and who, while a member of the armed forces and before discharge therefrom, or, who after receiving an honorable discharge therefrom, or the wife or widow, the husband or widower of any such member of the armed forces of the United States, resident of any county of this state, has died or shall hereafter die, upon a claim **for burial expenses** being filed by an interested person with the board of commissioners of the county of the residence of such deceased person, stating the fact of such service, death, and discharge, if discharged from such service prior to death, and that the body has been buried in a decent and respectable manner, in a cemetery or burial ground, such board of commissioners shall hear and determine such claim, like other claims, filed for allowance by them, and if the facts averred are found to be true, as a tribute of respect due such member of the armed forces, shall make allowance of such claim in a sum ~~not exceeding one hundred dollars (\$100) for service rendered and material furnished in care of such body and where necessary an amount not to exceed twenty-five dollars (\$25) for a place of burial of such body:~~ **set by ordinance. The amount of the allowance must be at least one hundred twenty-five dollars (\$125) but not more than one thousand dollars (\$1,000).**

(b) Only one (1) claim **for burial expenses** shall be allowed for any decedent, who qualifies under this chapter, and the total sum of the claim filed and for which allowances shall be made ~~whether it be for service rendered and material furnished or service rendered, material furnished, and place for burial furnished shall not exceed one hundred dollars (\$100).~~ However, should the federal government provide a marker for the grave of any such person, the board of commissioners shall make a further allowance of not more than one hundred dollars ~~(\$100) for the setting of such marker.~~ **shall be set by ordinance. The**

ES 100—LS 6289/DI 102+



C
o
p
y

amount of the allowance must be at least one hundred twenty-five dollars (\$125) but not more than one thousand dollars (\$1,000).

Any sum of money expended by any county under the provisions of this chapter shall be considered as a gift, and no persons for and on behalf of the state of Indiana or any of its political subdivisions shall be authorized to file a claim for a lump sum death benefit, with the federal social security administration claiming reimbursement for any sum of money so expended.

(c) Before a person who will set a grave marker provided by the federal government as described in subsection (b) enters into a contract to set the grave marker with a person who receives the grave marker from the federal government, or the person's representative, the person who will set the grave marker must disclose the following information to the person who receives the grave marker, or the person's representative:

(1) The price of the least expensive installation procedure that the person who will set the grave marker will charge for setting the grave marker and a description of the goods and services included in the procedure.

(2) The prices of any other installation procedures or options that may be performed or provided by the person who will set the grave marker and a description of the goods and services included in the procedures or options."

Page 3, between lines 12 and 13, begin a new paragraph and insert:
"SECTION 3. [EFFECTIVE JULY 1, 2002] IC 10-5-3-1, as amended by this act, applies to claims for burial expenses filed after June 30, 2002."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 100 as printed January 25, 2002.)

KUZMAN, Chair

Committee Vote: yeas 11, nays 0.



C
O
P
Y